

REMARKS

Claims 1-8 are all the claims pending in the application. Reconsideration and allowance of all the claims are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. § 112

The Examiner rejected claim 4 under §112, 2nd paragraph, as indefinite. Specifically, the Examiner asserted that “the end portion” lacks antecedent basis. Accordingly, Applicant has amended claim 4 to recite “an end portion” and, thereby, recite this element for the first time.

Claim Rejections - 35 U.S.C. § 102

- The Examiner rejected claim 1 [read claims 1 and 2] under §102(b) as being anticipated by US Patent 5,126,609 to Shimono et al. (hereinafter Shimono). Applicant respectfully traverses this rejection because Shimono fails to establish anticipation in that it does not disclose every element as set forth in Applicant’s claims.

Claim 1 sets forth a motor supporting device that includes, *inter alia*, a motor accommodating section, a gear holding section, and a covering section, wherein the covering section is monolithically formed with the motor accommodating section.

The Examiner asserts that Shimono discloses a covering section 32 that is monolithically formed with a motor accommodating section 42b.¹ In contrast to that in claim 1, and that asserted by the Examiner, the motor accommodating section 42b is monolithically formed with the gear holding section 42a, but not with the rear bracket 32. As seen in Fig. 1, the rear bracket 32 has a different cross-hatching from that of stator frame part 42b, indicating that these are separate parts that are connected together. Further, Shimono describes the rear bracket 32 as

¹ Office Action at page 3, lines 1-7.

being "attached to the stator frame part 42b at a rear end portion thereof."² Therefore, Shimono does not disclose a covering section that is monolithically formed with a motor accommodating section, as set forth in claim 1.

Claim 2 sets forth a motor supporting device that includes, *inter alia*, a motor accommodating section, a gear holding section, and a covering section, wherein the covering section comprises a side pressing section that abuts to an end portion of a gear provided to a drive shaft of the motor.

The Examiner asserts that Shimono discloses a covering section comprising a side pressing section 42a that abuts to an end portion of a gear 49 provided on a drive shaft 5 of the motor 31.³ However, the Examiner previously called element 32 a covering section, and called rear gear bracket part 42a a gear holding section.⁴ Thus, the Examiner uses one part of Shimono—rear gear bracket part 42a—as both the gear holding section as well as the covering section comprising a side pressing section as recited in claim 2. This he cannot do, as it is impermissible for an Examiner to use one element of a reference to be two separate elements of a claim. In the present case, the one element 42a of the reference may be either one or the other of the claimed gear holding section and the covering section comprising a side pressing section, but it cannot be both.

For the above reasons, Shimono fails to anticipate Applicant's claim 2.

² Shimono at col. 3, lines 23-24.

³ Office Action at page 3, item number 2.

⁴ Office Action at page 3, lines 1-7.

Claim Rejections - 35 U.S.C. § 103

- The Examiner rejected claims 3, 4, 6, and 8, under §103(a) as being unpatentable over Shimono in view of US Patent 5,600,746 to Arnett (hereinafter Arnett). Applicant respectfully traverses this rejection because the references fail to establish *prima facie* obviousness in that they do not teach or suggest every element as set forth in Applicant's claims.

With respect to claims 4 and 8, the Examiner notes that Shimono fails to teach or suggest a fitting section.⁵ Further, as noted above with respect to claim 1, Shimono fails to teach or suggest a covering section that is monolithically formed with a motor accommodating section. The Examiner cites Arnett as teaching a fitting section.⁶ However, Arnett does not teach or suggest a covering section that is monolithically formed with a motor accommodating section. Therefore, *arguendo*, even if one of ordinary skill in the art were to combine Shimono and Arnett as suggested by the Examiner, any such combination would still fail to render obvious Applicant's claims.

With respect to claims 3 and 6, the Examiner notes that Shimono fails to teach or suggest a fitting section.⁷ Further, as noted above with respect to claim 2, Shimono fails to teach or suggest both a gear holding section and a covering section comprising a side pressing section. The Examiner cites Arnett as teaching a fitting section.⁸ However, Arnett does not teach or suggest a gear holding section and a covering section comprising a side pressing section. Therefore, *arguendo*, even if one of ordinary skill in the art were to combine Shimono and Arnett

⁵ Office Action at the paragraph bridging pages 3 and 4.

⁶ Office Action at page 4, first full paragraph.

⁷ Office Action at the paragraph bridging pages 3 and 4.

⁸ Office Action at page 4, first full paragraph.

as suggested by the Examiner, any such combination would still fail to render obvious Applicant's claims.

- The Examiner rejected claims 5 and 7 under §103(a) as being unpatentable over Shimono in view of Arnett, and further in view of US Patent 5,654,847 to Yagi et al. (hereinafter Yagi). Applicant respectfully traverses this rejection because the references fail to establish *prima facie* obviousness in that they fail to teach or suggest every element as set forth in the claims.

With respect to claim 7, the Examiner notes that Shimono and Arnett fail to teach or suggest a covering section bendably formed with respect to a motor accommodating section.² Further, as noted above, Shimono and Arnett fail to teach or suggest a covering section that is monolithically formed with a motor accommodating section. The Examiner cites Yagi as teaching a bendable link portion. However, Yagi does not teach or suggest a covering section that is monolithically formed with a motor accommodating section. Therefore, *arguendo*, even if one of ordinary skill in the art were to combine Shimono, Arnett, and Yagi, as suggested by the Examiner, any such combination would still fail to render obvious Applicant's claim 7.

With respect to claim 5, the Examiner notes that Shimono and Arnett fail to teach or suggest a covering section bendably formed with respect to a motor accommodating section.¹⁰ Further, as noted above, Shimono and Arnett fail to teach or suggest both a gear holding section and a covering section comprising a side pressing section. The Examiner cites Yagi as teaching a bendable link portion. However, Yagi does not teach or suggest a gear holding section and a covering section comprising a side pressing section. Therefore, *arguendo*, even if one of ordinary skill in the art were to combine Shimono, Arnett, and Yagi as suggested by the Examiner, any such combination would still fail to render obvious Applicant's claim 5.

² Office Action at page 4, item number 9, paragraph 3.


¹⁰ Office Action at page 4, item number 9, paragraph 3.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,


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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

4. (Amended) A motor supporting device according to claim 1 further comprising a fitting section for coupling [the] an end portion of a support shaft that is formed in said gear holding section for rotatably holding the gear to said covering section, said fitting section being provided to at least either one of said covering section and the end portion of said support shaft.